

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE ASHLEY MADISON CUSTOMER)	
DATA SECURITY BREACH LITIGATION)	
)	
This Document Relates to:)	MDL No. 2669
)	
ALL CASES)	Case No. 4:15-MD-2669-JAR
)	

**SUPPLEMENT REQUEST FOR APPOINTMENT OF WILLIAM B. FEDERMAN
TO PLAINTIFFS' INTERIM EXECUTIVE COMMITTEE**

Pursuant to Fed. R. Civ. P. 23(g) and *Order*, filed 1/27/2016, Doc. No. 75, William B. Federman of FEDERMAN & SHERWOOD respectfully submits this Supplement Request for Appointment to Plaintiffs' Executive Committee in the above-titled Action.

Mr. Federman refers the Court to the previously submitted *Amended Motion for Appointment of Plaintiffs' Interim Liaison Counsel, Interim Co-Lead Counsel, and Interim Executive Committee*, filed 01/22/2016, Dkt. No. 65, and the *Memorandum in Support*, filed 01/22/2016, Dkt. No. 66, in which Plaintiffs, through counsel, moved the court to appoint John J. Driscoll of THE DRISCOLL FIRM, P.C. and W. Lewis Garrison, Jr. of HENINGER GARRISON DAVIS, LLC as Plaintiffs' Interim Co-Lead Counsel, and appoint Douglas P. Dowd of DOWD & DOWD, P.C. as Plaintiffs' Interim Liaison Counsel. In that Motion, Plaintiffs' counsel also moved the Court for the appointment of William B. Federman of FEDERMAN & SHERWOOD, among others, to the Plaintiffs' Interim Executive Committee. In further support of his request for appointment to Plaintiff's Interim Executive Committee, Mr. Federman submits this supplement, providing additional information on his and his firm's qualifications to serve as part of the Executive Committee.

Mr. Federman represents five (5) Plaintiffs, residing in California, Georgia, Tennessee, Texas and Minnesota, whose cases have been consolidated and transferred to this Court.¹ If ordered by the Court, these Plaintiffs are willing and able to provide identity and background information to the court and defense counsel. Additionally, Mr. Federman also has clients in many other states who would be willing to serve as class representatives and provide the necessary identity and background information should the need for additional plaintiffs in additional states arise. This important contribution, together with Mr. Federman's significant leadership experience in complex consumer MDL and class action cases, his willingness and ability to dedicate substantial time and resources to the case, and his ability to work effectively and cooperatively with other Plaintiffs' counsel, support his appointment to the Plaintiffs' Executive Committee.

As stated in the referenced Memorandum, Doc. No. 66, FEDERMAN & SHERWOOD grew out of a primarily defense oriented AV rated law firm to now encompass a nationwide practice for complex plaintiff-oriented litigation and appellate work. The firm has been lead counsel in class action and MDL proceedings from New York to California and Florida to Washington.² Mr. Federman has served in leadership positions in data security breach cases including *In re Home Depot, Inc., Customer Data Security Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.), in which he was appointed to the Consumer Plaintiffs' Steering Committee. FEDERMAN & SHERWOOD has a deep bench of experience working with multiple co-counsel in complex cases, including shareholder derivative litigation, securities class actions, data breach and other consumer class actions. The attorneys of FEDERMAN & SHERWOOD have an excellent recovery record in consumer class actions in courts across the United States.

¹ *J. Doe I, et al v. Avid Life Media, Inc., et al*, USDC, C.D. Calif., Case No. 8:15-cv-01347.

² See Federman & Sherwood Firm Resume, Dkt. No. 66-9.

Among its more recent accomplishments, FEDERMAN & SHERWOOD, acting as lead counsel for the plaintiff classes, won major victories before the Fifth and Tenth Circuit Courts of Appeal in *Spitzberg v. Houston American Energy Corp.*, 758 F.3d 676 (5th Cir. 2014) and *Nakkhumpun v. Taylor*, 782 F.3d 1142 (10th Cir. 2015). FEDERMAN & SHERWOOD also recently obtained a very favorable opinion from the Tenth Circuit clarifying a corporate defendant's personal jurisdiction and ability to be sued in the plaintiff's "home" court in *American Fidelity Assur. Co. v. The Bank of New York Mellon*, ___F.3d ___, 2016 WL 231474 (Jan. 20, 2016).

Since his admission to the Oklahoma bar in 1982, William B. Federman has been admitted to practice in New York, Texas, and the District of Columbia, as well as numerous federal district courts, most circuit courts of appeals, and the United States Supreme Court. He has been a frequent lecturer on consumer, complex and class actions, and has received the highest Martindale-Hubbell peer review rating, AV Preeminent, in both ethical standards and legal ability. Mr. Federman has also served as a Master for the American Inns of Court and on the Oklahoma County Bar Ethics Committee and was recently inducted into the Litigation Counsel of American, a trial lawyers' honorary society.

William B. Federman has consistently demonstrated a steadfast commitment to devoting substantial time and resources in litigating complex and MDL cases, and is willing and able to do the same in this case. Moreover, Mr. Federman is Plaintiffs' lead counsel in *Loritz v. Exide Technologies, et al*, 2014 WL 4058752 (C.D. Cal. Aug. 7, 2014), a significant Federal securities class action suit that recently settled subject to court approval. Had it proceeded, this case would have taken three to five weeks for trial in January, 2016. Because Mr. Federman was able to negotiate a favorable settlement, he has the time available immediately to assist lead counsel in this Action. He is fully committed to performing the duties of the Executive Committee, which

he believes should regularly meet and confer, at least bi-monthly and more frequently as needed, regarding the completion of the Plaintiffs' pretrial and trial activities. Additionally, Mr. Federman respectfully suggests duties of the Executive Committee should include the following:

(A) Direct and manage pretrial proceedings on behalf of all plaintiffs, including the briefing and argument of motions and the conduct of all types of discovery proceedings;

(B) Delegate work responsibilities to other plaintiffs' counsel, and monitor the activities of all plaintiffs' counsel to assure that plaintiffs' pretrial preparation is conducted effectively, efficiently, and economically, that schedules are met, and that unnecessary expenditures of time and expense are avoided;

(C) Consult with and employ consultants or experts, as necessary;

(D) Coordinate with Plaintiffs' Interim Lead Counsel and the other members of the Executive Committee in management of the litigation and funding of the necessary and appropriate costs of discovery and other common benefit efforts, including the maintenance of a plaintiffs' document depository [*see*, Manual for Complex Litigation, *Fourth*, section 40.261];

(E) Coordinate settlement discussions or other dispute resolution efforts on behalf of plaintiffs, under the Court's supervision, if and as appropriate;

(F) Enter into stipulations with opposing counsel as necessary for the conduct of the litigation;

(G) Prepare and distribute to the parties periodic status reports;

(H) Maintain adequate time and disbursement records covering services as appointed counsel; and

(I) Perform such other duties as may be incidental to proper coordination with the Executive Committee of plaintiffs' pretrial activities or as authorized by further Order of the Court.

WHEREFORE, for the reasons set forth herein, William B. Federman of FEDERMAN & SHERWOOD respectfully requests that the Court enter an Order appointing him to the Plaintiffs' Executive Committee in the above-titled Action.

DATED: February 1, 2016

Respectfully submitted,

/s/ William B. Federman

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically transmit a copy to registered CM/ECF users listed on the Notice of Electronic Filing.

/s/ William B. Federman